

REMARKS/ARGUMENTS

Information Disclosure Statement

The Office Action points out that the text of CN1168469 was not provided in its original language and that Fultz et al was illegible. These omissions are being remedied by a supplementary IDS filed herewith. The opportunity is being taken to provide the full text of Thompson et al, cited as an abstract with the Office Action.

Objections to the Specification

The Office Action called for proper acknowledgement of a trademark. This is being done by showing the word DURCISSEUR in block capitals on pages 2 and 6. The generic term “epoxy resin binder” already appears close by in each of the two paragraphs. The Office Action also objected to lack of support for claim 5. This is being dealt with by deletion of claim 5.

Status of the Application

Prior to the entry of this amendment, claims 1-32 were pending in this application. In the Office Action

- claims 14,16 and 18-24 were withdrawn from consideration
- claims 5, 12 and 13 were rejected under 35 U.S.C. § 112
- claims 1-13, 15, 17 and 25-32 were rejected under 35 U.S.C. § 102(b) or under 35 U.S.C. § 103 over Thompson et al alone or together with Madou or Anderson

The present amendment deletes claim 5 and amends claims 12 and 13. The amendments are simple deletions as will be pointed out below. Therefore, claims 1-4, 6-13, 15, 17 and 25-32 are presented for examination in this amendment. No new matter is added by the amendments.

35 U.S.C. §112 Rejections

Claim 5 has now been deleted. The phrase beginning with “such as ...” has been deleted from claim 12. The word “wellbore” before “fluid” in claim 13 has been deleted; antecedent for “fluid” is provided by claim 1. It is requested that the rejections under 35 USC 112 are withdrawn.

35 U.S.C. §102 Rejections

Claims 1-4, 6-8, 12, 15, 17 and 25-32 stand rejected under 35 USC 102(b) as anticipated by Thomson et al. Five of the authors of this paper are named as the present inventors. The paper appeared as pages 33-40 of issue 1 of “Sensors and Actuators B Vol 87. The publisher’s website states that the publication date was 15 November 2002 (although it also states that the paper was available online 12 June 2002). Since November 2002 is less than 12 months before the PCT filing date for the present application, and an online version is not a printed publication, it is respectfully submitted that this document is not citable as a reference under 35 USC 102.

Applicants respectfully request that the rejections under 35 U.S.C. 102 are withdrawn.

Applicants’ European representative recently checked on the publication date for the inventors’ publication in Chemical Communications which was listed as item AS on the Information Disclosure Statement submitted in April 2005. The document itself states that it was available online in April 2002 and its publisher said that it was available in paper form in May 2002. This document describes an electrode which is polished and used once. The electrode then has to be re-polished for further use. The document therefore presents the electrochemical

reaction as involving the surface of the electrode and does not teach a reaction solution entering or being able to enter a porous member.

35 U.S.C. §103 Rejections

These rejections commenced with the Thompson reference. Since it is here submitted that the Thompson reference was not citable, it also requested that the rejections under 35 U.S.C. 103 are withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

In the event that a fee or refund is due in connection with this Amendment, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No 19-0615. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at.

Respectfully submitted,

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